

FIRST REGULAR SESSION

HOUSE BILL NO. 174

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FROELKER.

Pre-filed December 18, 2000, and 1000 copies ordered printed.

ANNE C. WALKER, Chief Clerk

0802L.011

AN ACT

To repeal section 169.075, RSMo 2000, relating to teacher and school employee retirement systems, and to enact in lieu thereof one new section relating to the same subject.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 169.075, RSMo 2000, is repealed and one new section enacted in lieu thereof, to be known as section 169.075, to read as follows:

169.075. 1. Certain survivors specified in this section and meeting the requirements of this section may elect to forfeit any payments payable pursuant to subsection 3 or 5 of section 169.070 and to receive certain other benefits described in this section upon the death of a member prior to retirement, except retirement with disability benefits, whose period of creditable service in districts included in the retirement system is two years or more and who dies (a) while teaching in a district included in the retirement system, or (b) as a result of an injury or sickness incurred while teaching in such a district and within one year of the commencement of such injury or sickness, or (c) while eligible for a disability retirement allowance hereunder.

2. Upon an election pursuant to subsection 1 of this section, a surviving spouse sixty years of age, or upon attainment of age sixty, or a surviving spouse who has been totally and permanently disabled for not less than five years immediately preceding the death of a member if designated as the sole beneficiary, and if married to the member at least three years, and if living with such member at the time of the member's death, shall be entitled to a monthly payment equal to twenty percent of one-twelfth of the annual salary rate on which the member contributed for the member's last full year of creditable service as a teacher in a district included in the retirement system until death or recovery prior to age sixty from the disability which qualified the spouse for the benefit, whichever first occurs; provided that the monthly payment shall not be less than five hundred seventy-five dollars or more than eight hundred sixty dollars.

19 A surviving spouse, who is eligible for benefits pursuant to this subsection and also pursuant to
20 subsection 3 of this section may receive benefits only pursuant to subsection 3 of this section as
21 long as the surviving spouse remains eligible pursuant to both subsections, but shall not be
22 disqualified for the benefit provided in this subsection because the surviving spouse may have
23 received payments pursuant to subsection 3 of this section. **Beginning August 28, 2001, a**
24 **surviving spouse who otherwise meets the requirements of this subsection but who**
25 **remarried prior to August 28, 1995, shall be entitled, upon an election pursuant to**
26 **subsection 1 of this section, to any remaining benefits that would otherwise have been**
27 **received had the surviving spouse not remarried before the change in law permitting**
28 **remarried surviving spouses to continue receiving benefits. Such surviving spouses may,**
29 **upon application, become special consultants whose benefit will be to receive the remaining**
30 **benefits described in this subsection. In no event shall any retroactive benefits be paid.**

31 3. Upon an election pursuant to subsection 1 of this section, a surviving spouse, if
32 designated as the sole beneficiary, who has in the surviving spouse's care a dependent unmarried
33 child, including a stepchild or adopted child, of the deceased member, under eighteen years of
34 age, shall be entitled to a monthly payment equal to twenty percent of one-twelfth of the annual
35 salary rate on which the member contributed for the member's last full year of creditable service
36 as a teacher in a district included in the retirement system until the surviving spouse's death, or
37 the first date when no such dependent unmarried child under age eighteen, or age twenty-four
38 if the child is enrolled in school on a full-time basis, remains in the surviving spouse's care,
39 whichever first occurs; provided that the monthly payment shall not be less than five hundred
40 seventy-five dollars or more than eight hundred sixty dollars. In addition the surviving spouse
41 shall be entitled to a monthly payment equal to one-half this amount, provided that the monthly
42 payment shall not be less than three hundred dollars, for each such dependent unmarried child
43 under eighteen years of age, or age twenty-four if the child is enrolled in school on a full-time
44 basis, who remains in the surviving spouse's care. Further, in addition to the monthly payment
45 to the surviving spouse as provided for in this subsection, each dependent unmarried child under
46 the age of eighteen years of the deceased member not in the care of such surviving spouse shall
47 be entitled to a monthly payment equal to one-half of the surviving spouse's monthly payment
48 which shall be paid to the child's primary custodial parent or legal guardian; provided that the
49 payment because of an unmarried dependent child shall be made until the child attains age
50 twenty-four if the child is enrolled in school on a full-time basis; provided, however, that the
51 total of all monthly payments to the surviving spouse, primary custodial parent or legal guardian,
52 including payments for such dependent unmarried children, shall in no event exceed two
53 thousand one hundred sixty dollars, the amount of the children's share to be allocated equally as
54 to each dependent unmarried child eligible to receive payments pursuant to this subsection.

55 4. Upon an election pursuant to subsection 1 of this section if the designated beneficiary
56 is a dependent unmarried child as defined in this section or automatically upon the death of a
57 surviving spouse receiving benefits pursuant to subsection 3 of this section, each surviving
58 dependent unmarried child, including a stepchild or adopted child, of the deceased member,
59 under eighteen years of age, or such a child under age twenty-four if the child is enrolled in
60 school on a full-time basis, shall be entitled to a monthly payment equal to sixteen and two-thirds
61 percent of one-twelfth of the annual salary rate on which the member contributed for the
62 member's last full year of creditable service as a teacher in a district included in the retirement
63 system until death, marriage, adoption, or attainment of age eighteen or age twenty-four if
64 enrolled in school on a full-time basis, whichever first occurs; provided that the monthly
65 payment shall not be less than five hundred dollars or more than seven hundred twenty dollars,
66 and provided further that any child of the deceased member who is disabled before attainment
67 of age eighteen because of a physical or mental impairment which renders the child unable to
68 engage in any substantial gainful activity and which disability continues after the child has
69 attained age eighteen shall be entitled to a like monthly payment, until death, marriage, adoption,
70 or recovery from the disability, whichever first occurs; provided, however, that the total of all
71 monthly payments to the surviving dependent unmarried children shall in no event exceed two
72 thousand one hundred sixty dollars.

73 5. Upon an election pursuant to subsection 1 of this section, a surviving dependent parent
74 of the deceased member, over sixty-five years of age or upon attainment of age sixty-five if
75 designated as the sole beneficiary, provided such dependent parent was receiving at least one-half
76 of the parent's support from such member at the time of the member's death and provided the
77 parent files proof of such support within two years of such death, shall be entitled to a monthly
78 payment equal to sixteen and two-thirds percent of one-twelfth of the annual salary rate on which
79 the member contributed for the member's last full year as a teacher in a district included in the
80 retirement system until death; provided that the monthly payment shall not be less than five
81 hundred dollars or more than seven hundred twenty dollars. If the other parent also is a
82 dependent, as defined in this section, the same amount shall be paid to each until death.

83 6. All else in this section to the contrary notwithstanding, a survivor may not be eligible
84 to benefit pursuant to this section because of more than one terminated membership, and be it
85 further provided that the board of trustees shall determine and decide all questions of doubt as
86 to what constitutes dependency within the meaning of this section.

87 7. The provisions added to subsection 3 of this section in 1991 are intended to clarify the
88 scope and meaning of this section as originally enacted and shall be applied in all cases in which
89 such an election has occurred or will occur.

90 8. After July 1, 2000, all benefits payable pursuant to subsections 1 to 7 of this section

91 shall be payable to eligible current and future survivor beneficiaries in accordance with this
92 section.

93 9. The system shall pay a monthly retirement allowance for the month in which a retired
94 member, beneficiary or survivor receiving a retirement allowance or survivor benefit dies.